

Remarks

This communication is in response to the office action mailed 09/13/2004.

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Regarding the amendments to the specification.

Claims of priority are amended to the first paragraph of the application. The Applicants believe that these amendments are proper under 37 CFR 1.78. Further, the Applicants believe that the time limits on making a claim of benefit recited in

10 §1.78(a)(2)(ii) do not apply because of the exception in §1.78(a)(2)(ii)(B). The claims of priority made above include the continuation-in-part relationship to the parent application 08/673,647 that was included in the application transmittal letter of the current application as filed, as well as the benefit claims of the parent application.

The incorporation by reference made to the parent application in the amended
15 paragraph was made in the application transmittal letter of the current application as filed.

Regarding the claims:

Claims 1-9, 15, 17-19, and 29 are pending in this application. Claims 10, 11, 15,
20-25, 28 are cancelled in this response. Claim 1 is amended to eliminate a lack of
20 antecedent basis.

Claims 10, 11, 15, 20-25, 28 were rejected under 35 USC §103. Please Cancel
Claims 10, 11, 15, 20-25, 28 without prejudice.

Claims 1-9, 17-19 and 29 were rejected under the judicially created doctrine of
obviousness-type double patenting as being unpatentable over claims 1-7 and 15-16 of
25 commonly owned U.S. Patent No. 6,714,914. Enclosed is a timely filed terminal

disclaimer in compliance with 37 CFR 1.321(c). The Applicants believe that the terminal disclaimer places the still pending claims in condition for allowance.

Applicants believe that all pending claims are allowable and respectfully request that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the

5 Applicants' undersigned representative may be reached at the number provided below.

Respectfully submitted,

Gerald Peters et al.

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